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In re Application of :
Brownell, et al. :
Application No. 08/869,872 :
Filed: June 2, 1997 :
Attorney Docket No.: 13237.1560 :

**OFFICE OF PETITIONS
A/C PATENTS**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on July 2, 2001, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTH** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on December 26, 2000 for failure to submit a timely and proper reply to the final Office action mailed September 25, 2000. The final Office action set a three (3) month shortened statutory period for reply. No extensions of time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed May 21, 2001.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The present petition does not satisfy requirements (1) and (2) above.

As to item (1), the required reply to the outstanding Office action has not been submitted.

As to item (2), the required petition fee has not been submitted.

The change of address submitted with the instant petition has been entered and made of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, DC 20231

By facsimile: (703) 308-6916

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.



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